IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH, JAIPUR

ORDER

S.B.CIVIL WRIT PETITION NO.2208/2006.

Miss Chandni Malhotra.
VERSUS
University of Rajasthan & Another.

05.12.2006.

HON'BLE MR.JUSTICE DALIP SINGH

Mr.S.S.Rathore, for the petitioner.
Mr.Manish Bhandari, for the respondents.

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This writ petition has been filed by the petitioner who has been denied admission and the right to appear at the Examination for Bachelor of Fine Arts 4th Year by the respondents.

The petitioner appeared at the Bachelor of Fine Arts Part-III (Sculpture) Examination, 2005. The result for the aforesaid examination as per the learned counsel for the petitioner was declared in the month of July/August, 2005. Since the petitioner had a compartment, the petitioner applied for reevaluation of her answer-books within the prescribed time of 30 days. The result of the reevaluation was conveyed to the petitioner in the month of February, 2006 according to which the petitioner passed Bachelor of Fine Arts 3rd Year Examination.

Learned counsel for the petitioner submits that the petitioner had continued with her Bachelor of Fine Arts Part-IV studies but formal admission was not given to

her as she had a compartment and after the declaration of her result when the petitioner applied for the examination, the petitioner was denied admission on the ground that the last date for admission had expired on 31.12.2005. In the meanwhile, the petitioner even took the practical examinations which were held by the respondents.

The submission of the learned counsel for the petitioner is that the respondents are required to declare the result of the reevaluation within 60 days or within a reasonable time but in the instant case even though the petitioner had applied in time the result was not declared till the month of February, 2006. Thus, so far as the petitioner is concerned, the petitioner has taken all steps and due care to apply for the reevaluation within time and in case the petitioner's result could have declared in time, the petitioner would have got the admission, therefore, the delay on the part of the respondents is primarily responsible for denying the admission to the petitioner and for the aforesaid reason, attributed to the respondents only, the petitioner cannot be deprived of the admission in the Bachelor of Fine Arts 4th Year for the Sessions 2005-06.

Learned counsel appearing on behalf of the respondent-University, on the other hand, has submitted that the University on its part took all due care to declare the result as early as possible but since the declaration of the result took some time it was not possible for the University to declare the result of the Examination of Bachelor of Fine Arts Part-III which was finally declared on 12.2.2006. Since no admission can be

granted after 31.12.2005, the respondent-University was justified in not granting admission to the petitioner even though she might have been declared pass in the Part-III Examination as a result of reevaluation.

I have considered the rival submission and prima facie it appears that so far as the petitioner is concerned, the petitioner cannot be said to be at fault at all. The petitioner applied for reevaluation within time and going by the submission of the learned counsel for the petitioner if the result of the Bachelor of Fine Arts Part-III Examination was declared in the month of July/August, 2005, there was sufficient time from September, 2005 for the respondents to have declared the result before 31.12.2005. Whatever delay has occurred, is on the part of the respondents and whatever be the reasons attributed for the said delay, the petitioner cannot be made to suffer on account of the aforesaid delay on the part of the University in declaring the said result within time.

The petitioner approached this court by means of present writ petition on 20.03.2006 and thereafter an interim order was passed in favour of the petitioner dated 23.03.2006 permitting the petitioner to appear at Bachelor of Fine Arts Part-IV (Sculpture) Examination, 2006.

In the facts and circumstances, therefore, I am of the view the fact that the petitioner not being at fault and also having pursued the studies, as per the case of the petitioner in the writ petition for Bachelor of Fine Arts 4th Year and even taken the practical exams and

though the formal admission was not granted to the petitioner prior to the declaration of her result for the supplementary examination on 28.01.2006 which was applied by the petitioner on 04.02.2006, the petitioner, in my view, cannot be deprived of her right to seek admission and appear at the annual examination.

The writ petition is, therefore, allowed. The petitioner would be considered to have been duly admitted to the Bachelor of Fine Arts 4th Year and would be entitled to the declaration of her result for Bachelor of Fine Arts 4th Year Examination, in which she has been permitted to appear by the interim order of this court dated 23.03.2006.

Consequently, this writ petition as well as the application filed for the declaration of the result of the petitioner dated 02.08.2006 and the application dated 03.11.2006 seeking modification/clarification of interim order dated 23.03.2006 stand allowed, as indicated.

(DALIP SINGH),J.

Solanki DS, Jr.P.A.